

REMARKS

This amendment is responsive to the *Ex Parte Quayle* Action dated July 21, 2010. After its entry, claims 14-18 are pending. Claim 7 is cancelled. Claim 14 is amended. No new matter is added.

In the July 21, 2010 *Ex Parte Quayle* Action, the Examiner indicated that (2) the previously issued rejections based on 35 U.S.C. §§ 102(b) and 112, 2nd paragraph, are withdrawn, (2) claims 15-17 are directed to an allowable product, (3) claim 14, in part, was rejoined and fully examined for patentability, (4) claim 7 was not rejoined, and (5) the application is condition for allowance except for the formality of cancelling claim 7. In a telephone interview on July 19, 2010, Applicants sought clarification regarding the status of claim 14. During the telephone interview, the Examiner indicated that claim 14 would be allowed if it were amended to delete the term “or prophylaxis.” The Examiner also asserted that claim 7 lacks support in the present specification because it does not recite the specific human diseases or conditions in which inhibition of elastase activity is beneficial.

Applicants respectfully traverse. However, in the interest of expediting prosecution, Applicants have cancelled claim 7 and amended claim 14 as suggested by the Examiner without prejudice to or disclaimer of Applicants right to pursue the cancelled subject matter of these claims in a future continuing application. Applicants have also otherwise amended claim 14 for clarity and to place the claims in better form for allowance.

In view of the foregoing amendment and remarks, Applicants submit that the pending application is in condition for allowance.

Applicants believe no fee is due with this amendment. However, if a fee is due, the Director is hereby authorized to charge our Deposit Account No. 03-2775, under Order No. 15652-08500-US, from which the undersigned is authorized to draw.

Dated: September 21, 2010

Respectfully submitted,

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